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8 Attorney for Defendant and Counter-Claimant, PAETEC
9 COMMUNICATIONS, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 TELSCAPE COMMUNICATIONS, INC.,

13 Plaintiff,

14 v.

15 PAETEC COMMUNICATIONS, INC., and DOES
16 1-10,

17 Defendants.

18 AND RELATED COUNTER-CLAIM.

Case No.: C 05-03462 JSW

STIPULATION STAYING ACTION AND
RELATED DEADLINES PENDING
ALTERNATIVE DISPUTE
RESOLUTION; ~~[PROPOSED]~~ ORDER
THEREON

Jeffrey S. White
Judge: Hon. ~~Joseph F. White~~
Complaint Filed: July 19, 2005
Case Removed to
Federal Court: August 25, 2005

19 Pursuant to Civil L.R. 6-2, all parties to the present action—Plaintiff and Counter-
20 Defendant Telscape Communications, Inc. (“Telscape”), and Defendant and Counter-Claimant
21 PAETEC Communications, Inc. (“PAETEC”)—hereby file this Stipulation requesting that the
22 Court issue an Order temporarily staying the action and all deadlines pending the outcome of the
23 parties’ attempt to resolve the matter informally.

24 This Stipulation is accompanied by the Declaration of John S. Kyle. The form and
25 content of Mr. Kyle’s Declaration has been agreed to by all of the parties to the action. As
26 required by Civil L.R. 6-2, Mr. Kyle’s Declaration (1) sets forth with particularity the reasons for
27 the requested relief; (2) discloses all previous modifications in the case; and (3) describes the
28 effect the requested time modification would have on the schedule of the case.

Stipulation Staying Action; Order
Case No. C 05-03462 JSW

1 On September 21, 2005, the parties agreed that they would attempt to resolve the matter
2 through negotiation, but do not want to incur the time, expense, and inconvenience of litigating
3 this action at the same time they try to negotiate a mutually satisfactory solution. The parties
4 agree that a stay would allow for more efficient use of judicial and client resources, and allow the
5 parties to manage the case more effectively. Therefore, the parties hereby jointly request that the
6 Court issue an Order:

7 (i) temporarily staying discovery, all other proceedings and deadlines in the
8 above-captioned case until such time as the parties advise the Court that their attempts at
9 informal resolution were unsuccessful, or until November 30, 2005, whichever occurs first; and

10 (ii) requiring the parties to meet and confer no later than ten (10) days after the
11 Court lifts the stay in order to jointly submit to the Court a proposed Case Management Order
12 that provides revised dates for all scheduling deadlines.

13 IT IS SO STIPULATED.

14 DATED: September 28, 2005

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

16 By: 

17 John S. Kyle
18 Attorneys for Defendant and Counter-
19 Claimant PAETEC COMMUNICATIONS,
INC.

20 DATED: September 28, 2005

GOODIN, MACBRIDE, SQUERI, RITCHIE &
DAY LLP

22 By: _____

23 Keith E. Johnson
24 Attorneys for Plaintiff and Counter-
25 Defendant TELSCAPE
26 COMMUNICATIONS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 30, 2005

By: 

~~HONORABLE JOSEPH F. WHITE~~
United States District Court Judge

Honorable Jeffrey S. White

On September 21, 2005, the parties agreed that they would attempt to resolve the matter through negotiation, but do not want to incur the time, expense, and inconvenience of litigating this action at the same time they try to negotiate a mutually satisfactory solution. The parties agree that a stay would allow for more efficient use of judicial and client resources, and allow the parties to manage the case more effectively. Therefore, the parties hereby jointly request that the Court issue an Order:

(i) temporarily staying discovery, all other proceedings and deadlines in the above-captioned case until such time as the parties advise the Court that their attempts at informal resolution were unsuccessful, or until November 30, 2005, whichever occurs first; and

(ii) requiring the parties to meet and confer no later than ten (10) days after the Court lifts the stay in order to jointly submit to the Court a proposed Case Management Order that provides revised dates for all scheduling deadlines.

IT IS SO STIPULATED.

DATED: September 28, 2005

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

By: _____

John S. Kyle
Attorneys for Defendant and Counter-
Claimant PAETEC COMMUNICATIONS,
INC.

DATED: September 28, 2005

GOODIN, MACBRIDE, SQUERI, RITCHIE &
DAY LLP

By: _____

Keith E. Johnson
Attorneys for Plaintiff and Counter-
Defendant TELSCAPE
COMMUNICATIONS, INC.